

Notice of Allowability

Application No.

10/665,575

Examiner

Thomas A. Morrison

Applicant(s)

OBAMA ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the examiner interviews on 9/22/05 and 9/30/05.
2. ☒ The allowed claim(s) is/are 9-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Darling (Reg. No. 44482) on September 29, 2005.

In claim 9, line 9 before "nozzle", "a" has been replaced with -- at least one --.

In claim 9, line 9 after "each", "opposite surface of the pair" has been deleted.

In claim 9, line 9 before "guide", -- the -- has been inserted.

In claim 9, line 15 before "between", "nozzle" has been replaced with -- nozzles --

In claim 11, line 2 after "on", "the opposite surface of" has been deleted.

In claim 11, line 3 before "paper", "the" has been replaced with -- a --.

In claim 11, line 3 before "direction orthogonal", "the" has been replaced with -- a

--.

In claim 11, line 4 after "and", -- said at least one nozzle includes -- has been inserted.

In claim 11, line 4 before "parts", "the" has been deleted.

In claim 11, line 5 after "on", "the opposite surface of" has been deleted.

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In claim 12, line 2 after "disposed", "like a column" has been replaced with -- in columns --.

In claim 12, line 2 before "parallel", "on the line" has been deleted.

In claim 12, line 2 before "parallel", -- that are -- has been inserted.

In claim 12, line 3 before "interval", "the" has been replaced with -- an --.

In claim 12, line 3 before "outermost", -- two -- has been inserted.

In claim 12, line 3 after "nozzle", "column" has been replaced with -- columns --.

In claim 12, line 4 before "width", "the" has been replaced with -- a --

In claim 13, line 5 after "is", "provided" has been deleted.

In claim 13, line 5 before "nozzle", "a" has been replaced with -- one of said at least one --.

Claims 14 and 15 have been cancelled.

Allowable Subject Matter

2. Claim 9 is generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 11-13, directed to the species of at least Figs. 5 and 12 is no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

3. The following is an examiner's statement of reasons for allowance:

Japanese Publication No. 2001-233501 is the closest prior art reference of record. This publication discloses a paper sheet detection apparatus having a conveying device; a detection device; a guide device which includes a pair of guide members disposed opposite to each other; a nozzle in each of the guide members; an energizing device; and a gas supply device. However, this publication fails to disclose or suggest an arrangement of guide members, as now set forth in the claims.

More specifically, this publication fails to disclose or suggest a guide device, wherein one of a pair of guide members is fixed and the other guide member is movable relative to the one guide member, as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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